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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,812	09/08/2003	Wolfgang Danzer	038724.52699US 7094	
23911 CROWELL & I	7590 02/28/200 MORING LLP	7	EXAMINER	
INTELLECTU	AL PROPERTY GRO	UP	ELVE, MARIA ALEXANDRA	
P.O. BOX 1430 WASHINGTO	N, DC 20044-4300		ART UNIT	PAPER NUMBER
	,		1725	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		02/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)	
Office Action Summary		10/656,812	DANZER, WOLFGANG	
		Examiner	Art Unit	
		M. Alexandra Elve	1725	
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address	
A SHO WHIC - Exter after - If NO - Failui Any r	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE is is not of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Period for reply is specified above, the maximum statutory period vere to reply within the set or extended period for reply will, by statute, eply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timused and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
2a)	Responsive to communication(s) filed on <u>10 Jac</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro		
Dispositi	on of Claims			
5)□ 6)⊠ 7)□	Claim(s) 1-4,9,12 and 13 is/are pending in the 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) 1-4,9,12 and 13 is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o	wn from consideration.		
Applicati	on Papers			
10)⊠	The specification is objected to by the Examine The drawing(s) filed on <u>02 February 2004</u> is/are Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	e: a)⊠ accepted or b)⊡ objecte drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority u	ınder 35 U.S.C. § 119			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
2) Notice 3) Information	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate	

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DETAILED ACTION

Oath/Declaration

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month and year of its filing.

Claim Rejections - 35 USC § 112

Claim 9 recites the limitation "oxygen and carbon dioxide". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Goto (JP 410296472).

Goto discloses laser welding of an aluminum tank having a gaseous shield of carbon dioxide and oxygen. The carbon dioxide ranges from 10% to 62%.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Berlinger et al. (USPN 4,684,779).

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Berlinger et al. discloses laser welding of metallic sheets using pressurized gases, such as argon, helium, carbon dioxide and nitrogen.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fujimori et al. (USPN 4,258,242).

Fujimori et al. discloses welding of a steel pipe using argon and carbon dioxide for shielding.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Taira et al. (USPN 4,320,277).

Taira et al. discloses welding of a pipe using argon and carbon dioxide for shielding.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamasaki (USPN 4,507,540).

Hamasaki discloses hybrid laser welding using shield gases such as carbon dioxide, oxygen and nitrogen.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori et al. and Goto, as stated above and further in view of the following:

Fujimori et al. discloses the use of shield gas containing argon and carbon dioxide for welding.

Goto discloses laser welding of an aluminum tank having a gaseous shield of carbon dioxide and oxygen. The carbon dioxide ranges from 10% to 62%.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the carbon dioxide levels as taught by Goto in the Fujimori et al. system because both are directed to welding using a shielding environment.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taira et al. and Goto as stated above and further in view of the following:

Taira et al. discloses welding of a pipe using argon and carbon dioxide for shielding.

Goto discloses laser welding of an aluminum tank having a gaseous shield of carbon dioxide and oxygen. The carbon dioxide ranges from 10% to 62%.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the carbon dioxide levels as taught by Goto in the Taira et al. system because both are directed to welding using a shielding environment.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berlinger et al. and Goto as stated above and further in view of the following:

Berlinger et al. discloses laser welding of metallic sheets using pressurized gases, such as argon, helium, carbon dioxide and nitrogen.

Goto discloses laser welding of an aluminum tank having a gaseous shield of carbon dioxide and oxygen. The carbon dioxide ranges from 10% to 62%.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the carbon dioxide levels as taught by Goto in the Berlinger et al. system because both are directed to welding using a shielding environment.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamasaki and Goto as stated above and further in view of the following:

Hamasaki discloses hybrid laser welding using shield gases such as carbon dioxide, oxygen and nitrogen.

Goto discloses laser welding of an aluminum tank having a gaseous shield of carbon dioxide and oxygen. The carbon dioxide ranges from 10% to 62%.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the carbon dioxide levels as taught by Goto in the Hamasaki system because both are directed to welding using a shielding environment.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goto, as stated above, and further in view of Mori et al. (USPN 6,399,915).

Goto does not teach the wavelength of the laser. Mori et al. discloses a laser welding unit, which has a wavelength of 500 to 1064 nm. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a laser wavelength, as taught by Mori et al. system because this is merely a standard laser parameter.

Response to Arguments

Applicant's arguments with respect to claims has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 17, 2007.

M. Alexandra Elve

Primary Examiner 1725